



STATE OF DELAWARE
Child Death, Near Death and Stillbirth Commission
900 King Street
Wilmington, DE 19801-3341

CAPTA¹ REPORT

In the Matter of
J.S.
Minor Child²

9-03-2009-00015

November 30, 2012

¹ The federal Child Abuse Prevention and Treatment Act requires the disclosure of facts and circumstances related to a child's near death or death. 42 U.S.C § 5106 a(b)(2)(A)(x). See also, 31 Del.C. § 323 (a).

² To protect the confidentiality of the family, case workers, and other child protection professionals, pseudonyms have been assigned.

Background and Acknowledgements

The Child Death, Near Death and Stillbirth Commission (“CDNDSC”) was statutorily created in 1995 after a pilot project showed the effectiveness of such a review process for preventing future child deaths. The mission of CDNDSC is to safeguard the health and safety of all Delaware children as set forth in 31 Del.C., Ch., 3.

Multi-disciplinary Review Panels meet monthly and conduct a retrospective review of the history and circumstances surrounding each child’s death or near death and determine whether system recommendations are necessary to prevent future deaths or near deaths. The process brings professionals and experts from a variety of disciplines together to conduct in-depth case reviews, create multi-faceted recommendations to improve systems and encourage interagency collaboration to end the mortality of children in Delaware.

Summary of Incident

The case regarding J.S. is considered a near death incident due to physical neglect and lack of supervision by child’s mother and father.

On a late evening in October of 2007, the child presented to the emergency department, at four years of age, with second-degree and third-degree burns covering two to three percent of her total body surface area. Such burns were located on the child’s hands and chest. Child was stabilized in the emergency department and then transferred to an out-of-state hospital where she was admitted to the burn unit for further treatment and care management.

That same day the Division of Family Services’ Child Abuse Reportline received a referral from the treating hospital alleging a lack of supervision of the child by parents. At the time of the injury, it was reported by mother, that the child was in her bedroom watching television while father was in the bathroom and mother was in another bedroom changing the child’s sibling. Mother reported that she saw the child run out of her bedroom and into the kitchen. Shortly thereafter, mother heard the child scream and entered the kitchen where she found the child on the floor, holding her arm. The stove had been overturned and the pan of boiling broccoli had fallen off the stove and onto the child.

Mother immediately took the child across the apartment complex to her sister’s residence where both mother and sister attempted to treat the wounds. It appeared that the child was still in immense discomfort and treatment was not effective. Mother took the child back to her residence, bathed and changed her and then called Emergency Medical Services (EMS).

During the investigation that was conducted by the Division of Family Services, mother and father appeared fixated on the fact that the stove was unstable and able to be easily overturned. Parents informed the caseworker that it appeared that the child had used the oven door to stand on in order to get a piece of broccoli from the pan. The uneven distribution of weight, by the child, caused the stove to overturn. Thus, allowing the pan of boiling water and broccoli to spill onto the child.

The investigation caseworker noted that the child was active once before with the Division of Family Services in June of 2004, due to mild physical neglect by mother. The investigative case was closed as unsubstantiated with concern. The case was opened as low risk in treatment in order to address concerns of unemployment, poor financial management, and non-utilization of public transportation. The case was ultimately closed in treatment when the family refused to cooperate and no legal grounds existed in order to file for custody.

It was further noted that the child had a similar accident in April of 2006, when the child was burned after taking a hot cup of noodles out of the microwave and spilling it on herself. Child was treated out-of state for the burns and no report was received by the Division of Family Services as the event was considered an accident by medical personnel.

Based on the information gathered, the investigation was substantiated for lack of supervision against both mother and father with a secondary finding of medical neglect, level III, against mother. Both mother and father seemed to lack a genuine concern for their daughter's well being.

The case was transferred to treatment where parents were uncooperative with DFS. No progress was made on the case, however, the child and siblings appeared to be safe. Relatives resided close by and appear to be protective of the child and siblings. The case was closed as parents continued to refuse services.

The criminal investigation conducted by law enforcement resulted in both parents being charged with Endangering the Welfare of a Child and Reckless Endangering in the First Degree. In 2009, father was also charged with Possession of a Firearm during the Commission of a Felony (PFDCF). The Attorney General's office added this charge to the pre-existing charges from 2007 and offered a global plea to father. Father accepted and pled guilty to PFDCF. In October of 2009, father was sentenced to three years in prison. Mother was convicted of neither charge.

System Recommendations

After review of the facts and findings of this case, the Panel determined that reasonable standards of practice were not met by the systems involved. Therefore, the following recommendation was put forth:

- 1) CDNDSC recommends that the Delaware Housing Authority require all section eight housing appliances to be securely fastened to the wall and accompanied with safety locks.
 - a. Rationale: If stove had been properly secured to the wall then it would have prevented the stove from tipping when child stood on the oven door.
 - b. Anticipated Result: To ensure the safety of children through child safety initiatives and preventative measures.
 - c. Responsible Agency: Delaware Housing Authority